

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Joel Marvin Munt,

Case No. 17-cv-5215 (SRN/SER)

Plaintiff,

v.

Tom Roy, Mike Warner, and David Coward,

**REPORT AND
RECOMMENDATION**

Defendants.

STEVEN E. RAU, United States Magistrate Judge

The above-captioned case comes before the undersigned on Plaintiff Joel Marvin Munt's ("Munt") Fourth Motion for Temporary Restraining Order Pursuant to Fed. R. Civ. P. 65(b) ("Fourth Motion for TRO") [Doc. No. 65]. This matter was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B)–(C) and District of Minnesota Local Rule 72.1 for a Report and Recommendation ("R&R"). For the reasons stated below, the Court recommends denying Munt's Fourth Motion for TRO without prejudice.

I. BACKGROUND

Munt filed his complaint on November 27, 2017, against Defendants Tom Roy, Mike Warner, and David Coward (collectively, "Defendants"). (Compl.) [Doc. No. 1]. Several motions were filed. Defendants filed a Motion to Dismiss [Doc. No. 22], and Munt filed a Motion for Temporary Restraining Order ("Munt's First Motion for TRO") [Doc. No. 3], Motion for Emergency Request of Relief [Doc. No. 17], Motion for Expedited Court Action [Doc. No. 38], and Motion to Strike and Return Documents [Doc. No. 33]. To limit docket congestion and expedite court proceedings, the undersigned prohibited additional motions from being filed pending the resolution of existing motions. (Text Only Order Dated May 18, 2018) [Doc. No. 49].

The undersigned issued an R&R on June 25, 2018, recommending that Munt's motions be denied and Defendants' Motion to Dismiss be granted. (R&R Dated June 25, 2018) [Doc. No. 58]. Despite the May 18, 2018 order, on September 4, 2018, Munt filed his Fourth Motion for TRO. Defendants declined to file a "formal response to [Munt's] motion as it is improperly before the Court." (Letter to Mag. J.) [Doc. No. 68].

II. DISCUSSION

"[D]istrict courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases." *Dietz v. Bouldin*, 136 S. Ct. 1885, 1892 (2016). It has been "long recognized that a district court possesses inherent powers that are 'governed not by rule or statute but by control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.'" *Id.* (quoting *Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962)).

The Court's use of its inherent authority to stay motion practice is appropriate when a party files motions repetitive of previous motions the Court considered. Here, Munt's Fourth Motion for TRO is repetitive of earlier requests for relief addressed in the Court's R&R. Munt already asked for increased access to legal resources in the form of higher printing and copying limits, additional time in the law library, further protection of computer files, and other similar measures. (Munt's First Mot. for TRO at 9–13). Munt's new motion before the Court asks for the same relief: increased access to legal resources in the form of being able to print any files he needs, access to the law library whenever necessary, and an order ensuring that Defendants do not delete his computer files. (Munt's Fourth Mot. for TRO at 4). This Court recommended that this relief—as identified in Munt's First Motion for TRO—be denied. (R&R Dated June 25, 2018). Munt's objection to the R&R is currently pending before the Honorable Susan Richard Nelson. (Objs. to

Magistrate's 6/25/18 R&R) [Doc. No. 61]. Judge Nelson's decision to adopt or reject this Court's R&R will therefore necessarily address Munt's Fourth Motion for TRO. This Court thus recommends that Munt's Fourth Motion for Temporary Restraining Order be denied without prejudice.

III. RECOMMENDATION

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that Plaintiff Joel Marvin Munt's Fourth Motion for Temporary Restraining Order [Doc. No. 65] be **DENIED without prejudice**.

Dated: October 15, 2018

s/ Steven E. Rau

STEVEN E. RAU

United States Magistrate Judge

Notice

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore, not appealable directly to the Eighth Circuit Court of Appeals.

Under D. Minn. LR 72.2(b)(1) "a party may file and serve specific written objections to a magistrate judge's proposed findings and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).